

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

93 cr 181 (PKC)

-against-

ORDER

EL SAYYID NOSAIR,

Defendant.
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CASTEL, U.S.D.J.

Defendant El Sayyid Nosair moves (Doc 1145) to have the Court make additional findings and to alter its Order of October 29, 2019 denying the appointment of counsel to explore the possibility of relief by reason of United States v. Davis, et al., 588 U.S. ____ (June 24, 2019). As the Court, noted Davis does not afford possible relief to this defendant.

Nosair's former lawyer moves (Doc 1190) for the appointment of counsel to assist Nosair in challenging his 24 year-old conviction; he states that he could not serve in this role because he would likely be a witness. He proffers no evidence or support for the claim that there would be any substance to such a challenge.

Nosair also moves (Doc 1191) for an evidentiary hearing to demonstrate that reliable evidence of his innocence was not presented at trial 24 years ago because of his "conscientious objections" based on the Qur'an that caused him to remain silent at his trial. He also in conclusory fashion asserts that a person he describes as a government informant was a spy in the defense camp.

The Court concludes that there is no basis to alter its ruling in its Order of October 29, 2019. There is no basis to appoint counsel to assist defendant in his collateral attack on his

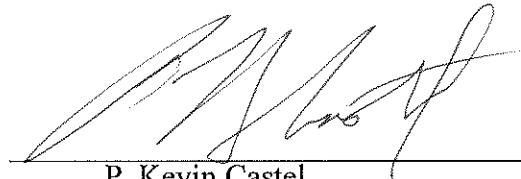
conviction. His request for an evidentiary hearing to establish a ground for vacating his conviction is denied without prejudice to his right to seek relief under section 2255(h) of title 28.

The Clerk shall terminate motions Doc1145, 1190 and 1191.

This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and in forma pauperis status is denied. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
September 29, 2020


P. Kevin Castel
United States District Judge